

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:08CR26-02  
(STAMP)

JOSEPH M. KING,

Defendant.

**ORDER CONFIRMING PRONOUNCED ORDER OF**  
**THE COURT AFFIRMING REPORT AND**  
**RECOMMENDATION OF MAGISTRATE JUDGE**

On July 20, 2008, the defendant, Joseph M. King, filed a motion to suppress statements that he allegedly made during a custodial interrogation on the day of his arrest to Special Agent Robert L. Manchas. The defendant argues that when he made such statements, he was in custody, being interrogated, and was not read his Miranda rights. Accordingly, the defendant contends that these statements are inadmissible against him.

Thereafter, on September 5, 2008, Magistrate Judge James E. Seibert entered a report and recommendation, recommending that the motion to suppress be granted in part and denied in part. The magistrate judge recommended that the defendant's volunteered statements, as well as those statements establishing his identity should not be suppressed, while the defendant's responses to Special Agent Manchas' questions should be suppressed. The plaintiff filed no objections to the report and recommendation.

Because the parties did not object to the report and recommendation of the magistrate judge, and because this Court

found that the magistrate judge's recommendation was not clearly erroneous, the ruling of the magistrate judge was hereby AFFIRMED and ADOPTED in its entirety at the pretrial conference on September 24, 2008.

This order is confirming the pronounced order of this Court at the pretrial conference on September 24, 2008.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the defendant, to counsel of record herein, to the United States Probation Office and to the United States Marshals Service.

DATED: September 30, 2008

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE